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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,712	08/26/2003	Chris Zegelin	A35499	4070
30636 7590 10/22/2008 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				
EXAMINER				
DANIEL JR, WILLIE J				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
10/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,712

Applicant(s)

ZEGELIN, CHRIS

Examiner

WILLIE J. DANIEL JR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-8 and 17-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 6-8 and 17-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's communication filed on 20 June 2008. **Claims 1-3, 6-8, and 17-19** are now pending in the present application and **claims 4-5 and 9-16** are canceled. This office action is made **Final**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bahl et al.** (hereinafter Bahl) (**US 6,799,047 B1**) in view of **Vetro et al.** (hereinafter Vetro) (**US 7,013,149 B2**).

Regarding **claim 1**, Bahl discloses in a system wherein a mobile computer (20, 80) which reads on the claimed "portable device", arranged for wireless data communications with a computer (84), is located using radio signals between said portable device (20) and base stations which reads on the claimed "fixed devices" (see col. 4, lines 51-57; col. 5, lines 28-37; col. 13, lines 24-28; Figs. 1-4 and 6), and

wherein said computer (84) uses a database relating radio signal characteristics to location to compute location of said device (see col. 9, lines 34-47; col. 12, lines 42-46; Figs. 1-4 and 6), and

communicates location data to said portable device (20, 80) using wireless data communications (see Figs. 1-4 and 6), a method comprising the steps of:

receiving characteristic data representing radio signal environment in a sub-area (e.g., office 92) corresponding to said location data (see col. 5, lines 28-37; col. 12, lines 46-51; Figs. 1-4 and 6), where the system exchange communication between computer (84) and portable device (20, 80),

monitoring received radio signals corresponding to said data representing radio signal environment to detect a change in location of said device (20, 80) (see col. 5, lines 42-54; col. 12, lines 27-30; Figs. 1-4 and 6), where the system monitors the strength of a signal;

determining said device (20, 80) has moved to a further location based on a detected change in said received radio signals (see Figs. 1-4 and 6), wherein said portable device (20, 80) signals said computer (84) to provide updated location data if said device (20, 80) determines that it has changed location (see Figs. 1-4 and 6); and

increasing a rate of transmitting updated location data to said computer (84) upon determining said device (20, 80) has moved (see col. 12, lines 42-51; Figs. 1-4 and 6), where the mobile computer (20, 80) is able to determine the location of the mobile computer (20, 80) in which data (e.g., map and table) is passed to the mobile computer (20, 80) and the data is updated according to conditions such as movement, traffic, and/or times (see col. 12, line 51 - col. 13, line 12). Bahl inexplicitly discloses having the feature(s) increasing a rate of transmitting updated location data.

However, the examiner maintains that the feature(s) increasing a rate of transmitting updated location data was well known in the art, as taught by Vetro.

In the same field of endeavor, Vetro discloses the feature(s) increasing a rate of transmitting updated location data (see col. 4, lines 59-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bahl and Vetro to have the feature(s) increasing a rate of transmitting updated location data, in order to provide more advanced location aware services, as taught by Vetro (see col. 2, lines 62 et seq.).

Regarding **claim 2**, the combination of Bahl and Vetro discloses every limitation claimed, as applied above (see claim 1), in addition Bahl further discloses the method specified in claim 1 wherein said portable device (20, 80) uses said characteristic data and said radio signals corresponding to said radio signal environment to update said location data (see col. 5, lines 42-54; Figs. 1-4 and 6).

Regarding **claim 3**, the combination of Bahl and Vetro discloses every limitation claimed, as applied above (see claim 2), in addition Bahl further discloses the method specified in claim 2 wherein said device (20, 80) is arranged to transmit said location data to a computer in association with further data and wherein said device (20, 80) transmits said updated location data in association with said further data (see col. 5, lines 42-54; col. 9, lines 34-47; col. 12, lines 42-46; Figs. 1-4 and 6).

Regarding **claim 6**, Bahl discloses a portable device (20, 80) arranged to communicate with a computer (84) using wireless data communications (see col. 4, lines 51-57; col. 5, lines 28-37; col. 13, lines 24-28; Figs. 1-4 and 6), comprising:

at least one wireless network interface (53) which reads on the claimed “radio receiver” for receiving signals including data communications (see col. 4, lines 14-20; Figs. 1-4 and 6); and

a processing unit (21) which reads on the claimed “processor” arranged to (see Figs. 1-4 and 6):

receive from said radio and store location data and characteristic data representing radio signal environment in a sub-area (e.g., office 92) corresponding to said location data (see col. 3, lines 12-32; col. 5, lines 28-37; Figs. 1-4 and 6), where the system exchange communication between computer (84) and portable device (20, 80),

monitor signals corresponding to said radio signal environment and to provide said processor (21) with radio signal data corresponding to said radio signal environment (see col. 5, lines 28-37; col. 12, lines 46-51; Figs. 1-4 and 6),

use said radio signal data and said characteristic data representing radio signal environment in a sub-area (e.g., office 92) corresponding to said location data to determine if said device has changed location (see col. 5, lines 42-54; col. 12, lines 27-30; Figs. 1-4 and 6), where the system monitors the strength of a signal,

determine said device (20, 80) has moved to a further location based on a detected change in said received radio signals,

increasing a rate of transmitting updated location data to said computer (84) upon determining said device (20, 80) has moved (see col. 12, lines 42-51; Figs. 1-4 and 6), where the mobile computer (20, 80) is able to determine the location of the mobile computer (20, 80) in which data (e.g., map and table) is passed to the mobile computer (20, 80) and the data

is updated according to conditions such as movement, traffic, and/or times (see col. 12, line 51 - col. 13, line 12). Bahl inexplicitly discloses having the feature(s) increasing a rate of transmitting updated location data. However, the examiner maintains that the feature(s) increasing a rate of transmitting updated location data was well known in the art, as taught by Vetro.

In the same field of endeavor, Vetro discloses the feature(s) increasing a rate of transmitting updated location data (see col. 4, lines 59-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bahl and Vetro to have the feature(s) increasing a rate of transmitting updated location data, in order to provide more advanced location aware services, as taught by Vetro (see col. 2, lines 62 et seq.).

Regarding **claim 7**, the combination of Bahl and Vetro discloses every limitation claimed, as applied above (see claim 6), in addition Bahl further discloses the portable device as specified in claim 6 wherein said processor (21) is further arranged to use said radio signal data and said characteristic data representing radio signal environment in a sub-area (e.g., office 92) corresponding to said location data to update said location data (see col. 5, lines 42-54; Figs. 1-4 and 6).

Regarding **claim 8**, the combination of Bahl and Vetro discloses every limitation claimed, as applied above (see claim 7), in addition Bahl further discloses the portable device (20, 80) as specified in claim 7 wherein said device is arranged to transmit said location data to a computer (84) in association with other data (see col. 5, lines 42-54; col. 9, lines 34-47; col. 12, lines 42-46; Figs. 1-4 and 6).

Regarding **claim 17**, Bahl discloses a system (see Figs. 1-4 and 6), comprising:

a receiving means receiving characteristic data representing radio signal environment in a sub-area (e.g., office 92) corresponding to said location data (see col. 5, lines 28-37; col. 12, lines 46-51; Figs. 1-4 and 6), where the system exchange communication between computer (84) and portable device (20, 80),

a monitoring means monitoring received radio signals corresponding to the said characteristic data representing radio signal environment to detect a change in location of a device (20, 80) (see col. 5, lines 42-54; col. 12, lines 27-30; Figs. 1-4 and 6), where the system monitors the strength of a signal;

a determining means determining the device (20, 80) has moved to a further location based on a detected change in the received radio signals (see Figs. 1-4 and 6), wherein said portable device (20, 80) signals said computer (84) to provide updated location data if said device (20, 80) determines that it has changed location (see Figs. 1-4 and 6); and

a data transmitting means increasing a rate of transmitting updated location data to said determining means upon determining said device (20, 80) has moved (see col. 12, lines 42-51; Figs. 1-4 and 6), where the mobile computer (20, 80) is able to determine the location of the mobile computer (20, 80) in which data (e.g., map and table) is passed to the mobile computer (20, 80) and the data is updated according to conditions such as movement, traffic, and/or times (see col. 12, line 51 - col. 13, line 12). Bahl inexplicitly discloses having the feature(s) increasing a rate of transmitting updated location data. However, the examiner maintains that the feature(s) increasing a rate of transmitting updated location data was well known in the art, as taught by Vetro.

In the same field of endeavor, Vetro discloses the feature(s) increasing a rate of transmitting updated location data (see col. 4, lines 59-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bahl and Vetro to have the feature(s) increasing a rate of transmitting updated location data, in order to provide more advanced location aware services, as taught by Vetro (see col. 2, lines 62 et seq.).

Regarding **claims 18-19**, the claims as applied to claim 17 are rejected for the same reasons as set forth above in **claims 2-3** respectively.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 6-8, and 17-19 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
17 October 2008

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617